

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

TOMARI ATIBA DAVIS

Petitioner

Vs

JONATHAN AJAYI , Individually and

in his official capacity as a

HARRIS COUNTY SHERIFF'S OFFICE JAIL employee

HARRIS COUNTY SHERIFF'S OFFICE JAIL

unnamed employees individually

and in their official capacity as

HARRIS COUNTY SHERIFF'S OFFICE JAIL employees.

Defendants

COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, TOMARI ATIBA DAVIS, by through Sui Jur & for his Complaint against the defendants above names states as following:

I.

JURISDICTION & VENUE

This court has jurisdiction pursuant to U.S.C. section 1343(a)(3)' & 28 U.S.C. section 1331; 28 U.S.C. section 1367. This court has jurisdiction over the parties & the subject matter of this action.

Venue is proper in this court. All claims for relief set forth in this complaint arise from common nucleus of operative facts.

II

Petitioner, TOMARI ATIBA DAVIS is a U.S. citizen with residence of the State of Texas & resides in Houston, Harris County, Texas. The defendants,

III.

FACTS

Petitioner TOMARI ATIBA DAVIS is a thirty-three-year-old citizen of the United States with residence in the County of Harris, Texas. On February 10 2016 Jonathan Ajayi entered a single unit cell with intent to torture & punish TOMARI ATIBA DAVIS. During an allowed uninsulated shower, instead of being released to attend to hygiene, Jonathan Ajayi aware of a vow of silence TOMARI ATIBA DAVIS had taken for religious reasons entered the unit housing TOMARI ATIBA DAVIS & badgered then assaulted TOMARI ATIBA DAVIS to the extent blood vessels swell in right eye causing pressure, twitching and discomfort, the back of TOMARI ATIBA DAVIS's head lumped with permanent scar tissue leaving a lump.

IV

CLAIM FOR RELIEF

Jonathan Ajayi 's actions constitute willful & knowing violation depravation of a right secured by the Constitution & of the United States, deprivation of liberty. Jonathan Ajayi, under the scope of employment, willfully, cruel and unusually punished TOMARI ATIBA DAVIS. In attempt to cover up the assault, Jonathan Ajayi locked TOMARI ATIBA DAVIS in his isolated unit and disregarded the injury. The assault was responded to by a fire alarm set off by TOMARI ATIBA DAVIS in attempt to receive medical attention. A team of unnamed jailers accompanied by a sergeant on duty also unnamed responded to fire alarm & was made aware of the injuries sustained however, it was not until five days later any medical attention or care was rendered; Despite official investigation including photographs taken of damages caused by Jonathan Ajayi standard response time neglected to be adhered to.

V.

CLAIM FOR RELEIF

At all times relevant hereto, the individual defendants acted within the scope of their employment. Petitioner was attacked provokingly to maliciously discriminate irrespective to rights of equal protection under the law. TOMARI ATIBA DAVIS though assaulted on February 10th 2016 had no medical attention or attempt to provide remedy until February 15th 2016.

VI.

CLAIM FOR RELIEF

Paragraph 3 through 5 are incorporated as though fully set forth herein. The defendants violated a crime secured by the Eight Amendment right from Cruel and Unusual Punishment.

VII.

CLAIM FOR RELIEF

Paragraph 6 through 7 are incorporated as though fully set forth herein. The defendant violated 18 U.S code 242 in deprivation of rights under color of law.

VIII.

CLAIM FOR RELIEF

The defendant's actions constitute a willful & knowing violation depravation of a right secured by the Constitution of the United States being depravation of liberty.

IX.

CLAIM FOR RELIEF

Paragraph 1 through 8 above re incorporated as though fully set forth herein. Defendants were in violation of TOMARI ATIBA DAVIS's Civil Rights under the United States Constitution & The Texas Constitution. The Defendant's actions constitute a willful & knowing violation & deprivation of a right secured by the Constitution of the United States in violation of U.S.C, section 1983 specifically the right to be free from unreasonable harm or injury and the right to be free from excessive and unreasonable police action, the deprivation of liberty, without due process of law, the right to equal protection under the law.

X.

CLAIM FOR RELEIF

Paragraph 1 through 8 above are incorporated as though fully set forth herein. Plaintiff complains that the aforementioned acts, omissions & violations by the defendants were attended by wanton and willful disregards for the rights & feelings of Plaintiff, thus entitling the Plaintiff to recovery of exemplary damages.

WHEREFORE PREMISES CONSIDERED, plaintiff requires that this

Honorable Court:

- a. Enter an Order of Judgment in Plaintiff's favor against the defendants for compensatory damages in an amount sufficient to fully compensate him for assault & discrimination.**
- b. Enter an Order of Judgment in Plaintiff's favor of the Plaintiff and against the defendants for exemplary damages in an amount which would adequately punish the defendants for their acts and omissions;**
- c. Enter an Order of Judgment for cost's related to Tomari Davis, Attorney in Fact for SAVE A SEED.**

RESPECTFULLY SUBMITTED

TOMARI ATIBA DAVIS

2229 ANN

HOUSTON TX 77003

281.701.1983